

**From:** Downey Magallanes  
**To:** [Phil](#)  
**Cc:** [bsteed@blm.gov](mailto:bsteed@blm.gov)  
**Subject:** Re: Recapture canyon road  
**Date:** Saturday, November 04, 2017 9:57:04 AM

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Phil- as you mention, Brian is the best person to meet with. Thanks.

Sent from my iPad

> On Oct 24, 2017, at 7:27 PM, Phil <(b) (6)> wrote:

>

> Hi Downey,

> I have not wanted to cloud the water with the Recapture road issue in hopes that there is a Bears Ears announcement forthcoming, but since the 10th Circuit has made their decision on my appeal I thought this has gone on long enough and wanted to get some more information to you. It is frustrating because it all hinges on the existence of a county road, the best documentation of which is the BLM's own ROW records where they call it an R.S. 2477 road and a county road, and where they restrict the Water Conservancy District to use only the "existing access", i.e. the county road. Now the local BLM is trying to say that there is only a Title V road in recapture and that it is only for the pipeline maintenance. It is a false report which has cost me several hundred thousand dollars and jail time, and I am very tired of having to contest these underhanded tactic. The road is what it is, but BLM is trying to make a controversy where there is none.

>

> I am sending you a snippet from an email I sent my attorney here recently. The county informed the BLM that we planned to blade our road which runs from the dam about 2.9 miles south to the point where the pipeline exits the canyon. This road has never been closed even though .8 miles of it is inside the BLM's travel restriction area. San Juan County has never asked for a title V right of way on this road.

>

> When you and I discussed this road, you mentioned that your office had issued a decision but that you knew you had not gone far enough and that you would be revisiting it. We have a group of BLMers here in San Juan County who go to dinner with the Great Old Broads and SUWA and who have bought into their agenda. They assert that the road is a Title V right of way, but their own state people have confirmed that there is no title V ROW road in Recapture. It is beyond anathema to deal with them and their games.

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> Here are some clips from the original pipeline right of way that address this road.

> This clip is found under III. Site Data A. Lands Status, second paragraph:

> [cid:image001.png@01D34CE7.182D3A90]

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> Here is that clip Under II. Special Stipulations, B. Construction Stipulations, 2:

> [cid:image002.png@01D34CE7.182D3A90]

> This is from the original R/W U-42412 application a copy of which is attached.

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> We met with State Director Ed Roberson and some of his staff and they confirmed that there is NOT a Title V road in Recapture, yet Don Hoffheinz the Monticello Field office director recently denied the county maintenance rights saying that it was not in keeping with the "Title V Pipeline Maintenance Road." There is no such thing as a pipeline maintenance road. There is only a County road and a separate pipeline. The Ditch Company does not drive on their pipeline ROW, they drive on the existing county road.

> I want to come with our County's hired attorney, John Howard, to DC and go over the entire case file with you. I am confident that the BLM will only continue to cover themselves on this, but I want it resolved. I will communicate this same information to Brian Steed, deputy BLM Director. It may be that Recapture is low on the priority list, but it is anything but trivial and has been used to justify the bears ears monument, to justify the killing of Dr. Redd, and the prosecution of 7 Blanding men. The narrative is being driven by SUWA and company, and it is total fabrication and cover-up.

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> Can you meet with me? Can we talk on the phone? Give me a date and time and I will be in your office with all

the documentation. This is not even a controversial case, other than we have BLM employees who have made it their mission to torment the County and our residents. The county has spent a lot of money on attorneys so far and we are just trying to get BLM to either close the road, or acknowledge that it is open. Secretary Zinke's order did nothing to confirm or deny the county's road, it simply left the area closed to off-road traffic. Since this a road, traffic on this road is permitted, unless BLM says it is not the County's road, thus making the travel "off-road". A laws suit will likely run another million dollars, and simply because of stubborn BLM employees set on perpetuating a lie.

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> Thank you in advance for taking the time to respond.

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> Sincerely,

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> Phil Lyman, cell - (b) (6)

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> San Juan County Commissioner

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> <Right of Way U-42412 (2).pdf>

> <image001.png>

> <image002.png>